

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION

FLURESH, LLC, FPAW MICHIGAN
LLC, QPS MICHIGAN HOLDINGS,
LLC, FISH LADDER HOLDINGS,
LLC, THE DISTRICT PARK, LLC,
GREEN SKIES-HEALING TREE, LLC,
all Michigan limited liability companies,

Plaintiffs,

v.

Civil Action No. 1:25-cv-0252

Hon. _____

CITY OF GRAND RAPIDS,
A Michigan municipal corporation,

Defendant.

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DEFENDANTS' NOTICE OF REMOVAL PURSUANT TO 28 U.S.C. §1446(b)

TO: Kent County Court Clerk
180 Ottawa Ave NW
Grand Rapids, MI 49503

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PLEASE TAKE NOTICE that Defendant, THE CITY OF GRAND RAPIDS, by and through its counsel, hereby removes the matter entitled *Fluresh, LLC, et al., v. City of Grand Rapids*, Circuit Court Case No. 25-01547-CZ, currently pending in the 17th Circuit Court for the County of Kent, State of Michigan, to the United States District Court for the Western District of Michigan, Southern Division. The bases for removal are set forth below:

STATEMENT OF GROUNDS FOR REMOVAL

1. On or about February 14, 2025, an action was commenced in the 17th Circuit Court for the County of Kent, State of Michigan, bearing Case No. 25-01547-CZ.
2. Defendant the City of Grand Rapids was served on February 18, 2025 when process servers for the Plaintiffs hand delivered a copy of the Summons and Verified Complaint to the City Attorney's office, along with a Motion for Preliminary Injunction and supporting brief.
3. A copy of the following documents, which constitute all the process, pleadings, and filings received from the Plaintiffs in this action, and of which the City of Grand Rapids has notice, are attached hereto, are as follows:
 - a. Summons to the City of Grand Rapids,
 - b. Verified Complaint and Demand for Jury Trial,
 - c. Plaintiffs' Motion to Exceed Page Limit with Supporting Brief and Notice of Hearing,
 - d. Plaintiffs' Motion for Preliminary Injunction and for Show Cause against Defendant as to Why a Preliminary Injunction Should Not be Issued, with Supporting Brief and Notice of Hearing,
 - e. Acknowledgement/Acceptance of Service on the City of Grand Rapids, and
 - f. Proof of Service.

4. This notice of removal is being filed within 30 days after receiving notice of the Verified Complaint by service or otherwise as required by 28 U.S.C. §1446(b).
5. This Court has jurisdiction over this case based on federal question jurisdiction pursuant to 28 U.S.C. §1331 and supplemental jurisdiction pursuant to 28 U.S.C. §1367, as the state law claims are so related to the claims in the action within original jurisdiction of this Court as to form part of the same case or controversy.
6. Pursuant to 28 U.S.C. §1441(a), the United States District Court for the Western District of Michigan is the federal district court embracing the place where the state court suit is pending.

PLAINTIFF'S FEDERAL CLAIMS

7. Plaintiffs allege that they suffered damages, and seek declaratory and injunctive relief by way of a determination that the City's policies are unconstitutional and discriminatory, because of Defendant's alleged violation of the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution, the Commerce Clause contained in Article I of the U.S. Constitution, and further posit municipal liability pursuant to 42 U.S.C. § 1983. (See, *Verified Compl.* at ¶¶184-202.)
8. Specifically, Plaintiffs allege that Defendants marijuana-related ordinances and policies violate the U.S. Constitution by discriminating against out of state residents and burden interstate and intrastate travel without being rationally related to a legitimate government purpose in violation of the Equal Protection Clause and the Commerce Clause.

THE OTHER REMOVAL PREREQUISITES HAVE BEEN SATISFIED

9. All Defendants, which have been identified by name and therefore could be served, have consented to this removal, to wit: the City of Grand Rapids.

10. As there is no other Defendant, no Defendant has sought similar relief with respect to this matter.
11. The prerequisites for removal under 28 U.S.C. §1441 have been met.
12. Written notice of the filing of this notice of removal will be given to the adverse parties as required by law.
13. The allegations of this notice are true and correct and this cause is within the jurisdiction of the United States District Court for the Western District of Michigan.

WHEREFORE, Defendant THE CITY OF GRAND RAPIDS files this notice of removal and removes this civil action to the United States District Court for the Western District of Michigan. Plaintiffs are notified to proceed no further in state court unless or until the case should be remanded by order of said United States District Court.

Respectfully submitted,

THE CITY OF GRAND RAPIDS,

Dated: March 7, 2025

/s/ Sarah J. Hartman.
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